

CB
Contd

App. No. 09/295,856

Amendment

³⁵
~~33~~. (new) The method of claim ~~29~~³¹, further comprising determining, as a function of the tracking information, one or more authorized titles.

³⁴
~~34~~. (new) The method of claim ~~29~~³¹, further comprising writing a transaction to a database memorializing processing.

R E M A R K S

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested. Claims 1 through 18 have been cancelled. Claims 19 through 34 have been added. Fifteen claims are pending in the application: claims 19 through 34.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that Examiner telephone the undersigned at (858) 587-7644 so that such issues may be resolved as expeditiously as possible.

Marked up Version of Specification/Claims

Beginning on page 13 of this paper is a "Version with Markings to Show Changes Made" that shows the amendments made to the claims.

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Objection to the Abstract

The Examiner has objected to the Abstract as being more than 150 words in length. The Abstract has been amended to meet this requirement.

Objection to the Specification

The Examiner has objected to the paragraph beginning at page 56, line 10 of the specification. The specification has been amended to correct this minor typing error as requested by the Examiner.

Newly added Claims

Applicant submits newly added claims 19 through 34. Claims 19 through 34 are novel and non-obvious in view of the prior art, thus should be allowable. Support for the newly added claims can be found variously throughout the figures and the specification and claims as originally filed by Applicant. Therefore, Applicant submits that newly added claims 19 through 34 are in condition for allowance.

Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 1 through 5, and 11 through 18 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

The above-mentioned claims have been canceled. Additionally, Applicant has added the claims 19 through 34, which correspond to the rejected claims, however,

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have been rewritten to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Therefore, it is respectfully submitted that the present rejection is overcome.

Claim rejection under 35 U.S.C. § 102

The Examiner has rejected claims 1 through 5, and 11 through 18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,822,291 (Brindze et al.). Applicant respectfully traverses this rejection.

Applicant has canceled claims 1 through 5 and 11 through 18 and added new independent claims 19, 24, 26, and 28, which correspond to independent claims 1 and 11.

In order for a cited reference to anticipate the invention a single prior source must contain all its essential elements. Thus, the standard for anticipation is one of strict identity. *Gechter v. Davidson*, 116 F.3d 1454, 1457, 43 USPQ2d 1030, 1032 (Fed. Cir. 1997) ("Under 35 U.S.C. § 102, every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim."); *PPG Industries v. Guardian Industries Corp.*, 75 F.3d 1558, 1566, 37 USPQ2d 1618, 1624 (Fed. Cir. 1996) ("To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter.").

Applicants have submitted new independent claims 19, 24, 26, and 28, which include limitations that are not taught by Brindze.

The Brindze patent teaches sending a text message from a transaction processing facility to the terminal drive unit in response to a CD being inserted into the terminal drive unit (Column 7, lines 50-55). The only message that is sent from the TPF to the terminal drive unit is the text message.

Applicants claim a server computer determining content to be sent to a client computer as a function of tracking information having been sent to the server. This content is in the form of advertisements, URL's that identify resource locations (on, for example, the internet), channels, and new versions of software, not a simple text message being sent from the server. Therefore, Brindeze does not anticipate sending this type of content.

Specifically, independent claim 19 includes for example, the limitation of "determining, as a function of the tracking information having been transmitted to the server computer, an appropriate advertisement to transmit to the computer utilizing logic in the server computer."

Independent claim 24 includes for example, the limitation of "determining, as a function of the tracking information having been transmitted to the server computer, an appropriate URL to transmit to the computer utilizing logic in the server computer."

Independent claim 26 includes for example, the limitation of "determining, as a function of the tracking information having been transmitted, an appropriate updated software version to transmit to the computer

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utilizing logic in the server computer." Brindze does not disclose updating a version of software.

Independent claim 28 includes for example, the limitation of "determining, as a function of the tracking information having been transmitted to the server computer, an appropriate channel to transmit to the computer utilizing logic in the server computer."

Thus, for these reasons and others, independent claims 19, 24, 26, and 28 are not anticipated by Brindze, as Brindze does not contain all the limitations of these claims. Furthermore, Applicants believe that such claims are not suggested by Brindze. Thus, reconsideration and withdraw of the rejection is respectfully requested.

Claim rejection under 35 U.S.C. § 103

The Examiner has rejected claims 6 through 10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,882,291 (Brindze et al.) in view of U.S. Patent No. 5,878,020 (Takahashi). Applicant respectfully traverses this rejection.

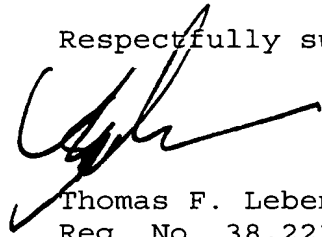
The Examiner has stated that Brindze contains all the limitations of claim 6 except for a burst cut area and a digital code stored in the burst cut area. Applicants have cancelled claims 6 through 10 and have added new claims, which as discussed above are not taught or suggested by Brindze. Takahashi does not teach or suggest sending the recited content as a function of tracking information. Thus the newly added claims are not taught or suggested by Brindze in view of Takahashi.

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Reconsideration and withdraw of the present rejection is thus requested.

Applicant believes newly submitted claims 19 through 34 are in condition for allowance, and prompt and favorable action is earnestly solicited.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE ABSTRACT

A system, method, and article of manufacture is provided for tracking the distribution of content electronically. First, an electronic storage medium tracking identifier is incorporated onto an electronic storage medium and stored on a database. Next, a package tracking identifier is situated onto a package in which the electronic storage medium is stored. The electronic storage medium is then tracked while being shipped between various entities using the tracking identifier on the package. ~~[Further, the electronic storage medium may be identified using the tracking identifier on the electronic storage medium in order to afford various advertising, security, support, or retail related features. The system includes logic for downloading and updating retailer specific information of the DVD utilizing BCA information for intelligent processing. When a user connects to the Internet with a DVD application active, logic detects a live Internet connection, reads the BCA information, and initiates a connection to the server. Then, the DVD application requests all available downloads from the server for the retailer of the currently inserted DVD. The server performs a table lookup to ascertain the retailer that sold the original DVD, and the server performs another table lookup to determine the download information., and the server passes the download information to the application using HTTP protocol. Finally a transaction~~

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~~is posted to the server database that memorializes the events.]~~

IN THE SPECIFICATION

Changes made to the paragraph at page 56, line 10:

Typical software implementation performances for microcomputers are listed [~~in the~~] below herein.

Encryption Rates using some microprocessors	Bus width	DES Blocks	Processor Speed (MHz)	(bits)	(per/sec)
8088	4.7	8			
37068000	7.6	16	90080286	6.0	16
1,10068020	16.0	32			
3,50068030	16.0	32	3,90080280	25.0	16
5,00068030	50.0	32			
9,60068040	25.0	32	16,00068040	40.0	32
23,20080486	33.0				
32	40,600.				

Another prior art cryptography system is the RSA Public Key Crypto system available from the RSA Data Security in California. RSA is an asymmetric crypto system in which two different keys are used: a public key to encrypt the plain text and a private key to decrypt the cipher text. The hardware implementations of RSA are usually about 1000 to 10,000 times slower than a hardware implementation of DES. In software implementations, RSA is generally about 100 times slower than DES. These numbers will improve as technology advances, but the processing speed of RSA will be difficult to approach the speed of a symmetric crypto system. Consequently, RSA is generally not viewed as a replacement for DES or any other fast bulk encryption algorithm. Instead, RSA is often used for secure key exchange without prior exchange of secrets. Hence a long message is encrypted with DES.